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No. SC Case No. 2014-001673

S.C. SUPREME COURT

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Glyndorah D. West — PETITIONER  
(Your Name)

VS.

The State of South Carolina — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

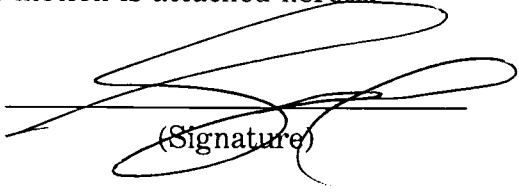
[ ] Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

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[  ] Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

  
(Signature)

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Glyndoris V. Fox, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>1200.00</u>	\$ <u>0</u>	\$ <u>1200.00</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>1470.00</u>	\$ <u>0</u>	\$ <u>1470.00</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<b>Total monthly income:</b>	\$ <u>2670.00</u>	\$ <u>0</u>	\$ <u>2670.00</u>	\$ <u>0</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>Box Consulting firm</u>	<u>164 Madaket Springs Suite 117, Chatham, S.C.</u>	<u>2011 to present</u>	<u>\$ 1200.00</u>
_____	<u>29401</u>	_____	\$ _____
_____	_____	_____	\$ _____

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ 0  
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
<u>Bank of America</u>	<u>Bus. Checking</u>	<u>\$ 0</u>	<u>\$ 0</u>
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

- Home  
Value 140,000.00 USD
- Other real estate  
Value \_\_\_\_\_
- Motor Vehicle #1  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_
- Motor Vehicle #2  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_
- Other assets  
Description None  
Value \_\_\_\_\_

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>None</u>	\$ <u>0</u>	\$ <u>0</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>Conrad A. Fox</u>	<u>Son</u>	<u>16</u>
<u>Mackenzie L. Fox</u>	<u>Daughter</u>	<u>12</u>
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>0</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>100.00</u>	\$ <u>0</u>
Food	\$ <u>300.00</u>	\$ <u>0</u>
Clothing	\$ <u>300.00</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>100.00</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>150.00</u>	\$ <u>0</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>250.00</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>200.00</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>50.00</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: <u>Auto</u>	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>property</u>	\$ <u>116.66</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>250.00</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: <u>Auto</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0.00</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>250.00</u>	\$ <u>0</u>
Other (specify): <u>Auto</u>	\$ <u>0</u>	\$ <u>0</u>
<b>Total monthly expenses:</b>	<b>\$ <u>2,966.66</u></b>	<b>\$ <u>0</u></b>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes  No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?  Yes  No

If yes, how much? 1/12

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes  No

If yes, how much? 1/12

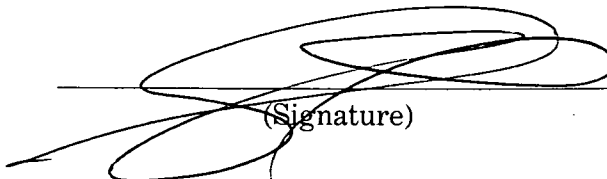
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

*This will be for 24<sup>th</sup> writ or certiorari that I have filed with this court in the time period of 90 day deadlines. I can not afford to pay all 24 writs or certiorari at the same time.*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 3<sup>rd</sup> December, 2016

  
(Signature)

No. SC Case No. 2014-001673

In The Supreme Court of the United States

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Glynndeavin von Fox,

Petitioner,

v.

The State of South Carolina,

Respondent.

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On Petition for a Writ of Certiorari to the South Carolina Supreme Court for the State of  
South Carolina Court District 9

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Petition for a Writ of Certiorari

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S.C. SUPREME COURT

## Questions Presented

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The ultimate question presented regarding the State of South Carolina and the request of a mental evaluation based on information that it already held in 2014 within a motion submitted in 2016 is based on three parts. The first, second, and third parts:

- Does a state within the Union have allowance to act like a foreign government based on its own established code of law, at the same time breaking the United States of America Constitution, and its own constitution?
- Can a court in the United States of America place a trial to the docket for jury selection, and then place it on an evaluation for mental capacity once a jury selection for qualification has taken place without the defendant made aware under Rule 4, or Defendants Rights?
- Lastly, can a solicitor within South Carolina commit acts of barratry to even request that the court seek the mental evaluation, or the honorable station of the judge to commit barratry in the matter through simply refusing to acknowledge academia to be the ultimate personification of the aspect of wit and knowledge to supersede the access towards *Pro Se* representation? Also having a certified psychologist from the State of South Carolina provide state testing for the 9<sup>th</sup> Circuit District Court of South Carolina with mandatory statewide and nationwide testing standards that show no mental illness in Glynndeavin von Fox through Minnesota Testing evaluations.

South Carolina's attempts at this stage of pre-trial status simply shows that the Palmetto State is simply at its usual game of professing to be a state in the Union through hypocrisy of

oppression that sickens this patriot of the United States Air Force's Special Operations, and Santee (Santé) Indian through more testing than *The United States v. Dylan Roof* trial received through Department of Justice nationwide standards of testing.

## **Parties to the Proceeding and Rule 29.6 Statement**

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Petitioners, who were Plaintiffs-Appellees below, are: Glynndeavin von Fox, a resident of South Carolina, and United States of America citizen.

Respondents, who were Defendants-Appellants/Cross-Appellees below, are: The State of South Carolina under the 9<sup>th</sup> Circuit District Solicitors Office, and the Attorney General of South Carolina.

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## Table of Authorities

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### Cases

*State v. Blair* 275 S.C. 529 (1981) 273 S.E. 2d

*The State of South Carolina v. Michael Slager*

*United States v. Dylan Roof* (2015-CR-00472)

*State v. Austed* 641 P.2D 1373 (1982)

*State v. Davis* 77 P.3d 1111 (2003) 336 Ov. 19

*Drope v. Missouri* 420 U.S. 162

*Pate v. Robinson* 383 U.S. 375 (1966)

*Godinez v. Moran* 509 U.S. 389 (1993)

*Dusky v. U.S.* 362 U.S. 402 (1960)

### Constitutional Authorities and Statues

United States of America Consitution Amend. IV, VI, VIII

South Carolina Consitution Article 1, Section 3

### Rules

South Carolina Code of Law Defendants Rights

South Carolina Code of Law Rule 4 (Communication)

### Other Authorities

United Nations Charter Treaty, Article 102

Human Rights Declaration of the United Nations

## **Petition for Writ of Certiorari**

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Petitioner Glynndeavin von Fox respectfully submits this petition for a Writ of Certiorari

### **Opinions Below**

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The opinion of the Supreme Court of South Carolina was to determine the appeal to disallow the evaluation as *Moot*, and denied the appeal.

### **Jurisdiction**

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The Supreme Court of South Carolina under the South Carolina constitution and state's rights under the United States of America Constitution entered judgment on November 9<sup>th</sup>, 2016 with the 90 day allowance for petition of Writ of Certiorari to the U.S. Supreme Court beginning on that date.

### **Constitutional and Statutory Provisions Involved**

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The constitutional and statutory provisions involved are: The United States of America Constitution, Amend IV, VI, VIII; South Carolina Constitutional Article 1, Sec. 3; South Carolina Code of Law Defendants Rights; South Carolina Code of Law Rule 4; United Nations Charter Treaty. Art. 102; Human Rights Declaration of the United Nations.

## Statements of the Case

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On the 14<sup>th</sup> of April, 2016 a motion was entered into the General Sessions Case No. 2013-GS-1001945-46 requiring Glynndeavin von Fox to undergo a mental evaluation regarding a similarity to the murder trial of the *State v. Blair* case. The reference of Glynndeavin von Fox to a homicide case is a miss-judgment in itself to the mental evaluation, considering that no one in the case with Glynndeavin von Fox is in hospital care, Glynndeavin von Fox does not have a criminal record, and the reasoning for the arrest or disorderly conduct by the Charleston Police Department was dismissed by the Hon. Judge Joseph Mendelsohn at the City of Charleston Municipal Court. However, after not seeking a state mental evaluation at the March 2016 Pre-Trial Status Conference, the case was placed on the trial docket for jury selection in April 2016, but after the filing of multiple pending state and federal law suits by Glynndeavin von Fox the State of South Carolina under Asst. Solicitor Charles Patrick, III, Esq., the State of South Carolina placed the motion for mental evaluation.

The Hon. Judge Deadra Jefferson made the order with agreement that the defendant, Glynndeavin von Fox, undergo an evaluation to stand trial for oneself under *Pro Se*. The cases of reference with *State v. Blair*; *The State of South Carolina v. Michael Slager*; *Pate v. Robinson* 383 U.S. 375 (1966); *Godinez v. Moran* 509 U.S. 789 (1993); *United States v. Dylan Roof* (2015-CR-00472); *State v. Austed*; *State v. Davis*; *Drope v. Missouri*; *Dusky v. U.S.* 362 U.S. 402 (1960) all invoke United States Department of Justice testing, and all are either rape or homicide cases which can both carry the death penalty. Although the probable cause of the arrest was thrown out of the court, dismissed, or found not guilty of, the Hon. Judge Deadra Jefferson stated that the order was to be placed.

## Reason for Granting the Petition

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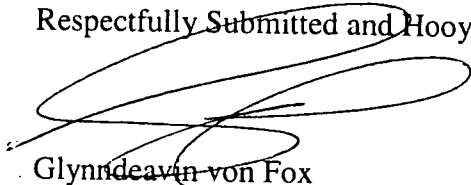
The reason for granting the petition is clear and concisely a matter of violating the due process of the United States of America Constitution Amend. IV, VI, VIII through the South Carolina Constitution Art. 1, Sec. 3 ongoing to violate the South Carolina Code of Law Title 16, Chapter 5, Section 16-5-10.

## Conclusion

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Accordingly, the petition for a Writ of Certiorari should be granted.

Respectfully Submitted and Hooyah Holiday's,



Glyndeaven von Fox  
St. Phillips Parish  
164 Market Street  
Suite 117  
Charleston, S.C. 29401

# The Supreme Court of South Carolina

The State, Respondent,

v.

Glynndeavin von Fox, Petitioner.

Appellate Case No. 2016-001673

Lower Court Case Nos. 2013-GS-10-01945 and -01946

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ORDER

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Based on the vote of the Court, the petition for a writ of certiorari to the Court of Appeals is denied and the motion to dismiss the petition is denied as moot.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

November 9, 2016

cc:

The Honorable Jenny Abbott Kitchings

Alan McCrory Wilson, Esquire

Mark Reynolds Farthing, Esquire

Glynndeavin von Fox

The Honorable Julie J. Armstrong

# The South Carolina Court of Appeals

The State, Respondent,

v.

Glynndeavin von Fox, Appellant.

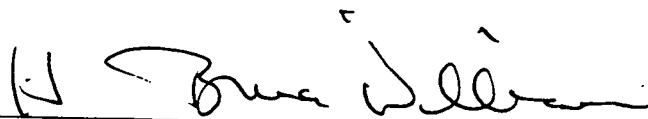
Appellate Case No. 2016-000967

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## ORDER

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Appellant has filed a notice of appeal from the circuit court's order for a competency to stand trial evaluation pursuant to *State v. Blair*<sup>1</sup> and section 44-23-410 of the South Carolina Code (Supp. 2015). After careful consideration, we dismiss this appeal because the underlying order is interlocutory and not immediately appealable. See *State v. Locklair*, 341 S.C. 352, 364, 535 S.E.2d 420, 426 (2000) ("In order to protect the legal process and preserve the integrity of the trial, a trial [court] has the authority to order a psychiatric evaluation of the defendant when his or her competency may be in question."); *State v. Dingle*, 279 S.C. 278, 282, 306 S.E.2d 223, 226 (1983) (holding the trial court's commitment of a defendant prior to trial to the South Carolina Department of Mental Health to determine competency to stand trial pursuant to section 44-23-410 of the South Carolina Code was interlocutory and not immediately appealable), *abrogated on other grounds*. The remittitur will be sent as provided in Rule 221 of the South Carolina Appellate Court Rules.



FOR THE COURT

Columbia, South Carolina

**FILED**

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<sup>1</sup> 275 S.C. 529, 273 S.E.2d 536 (1981).

June 17, 2016

cc:

Glynndeavin von Fox

John Benjamin Aplin, Esquire

Alan McCrory Wilson, Esquire

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

The State of South Carolina,

Plaintiff,

v.

Glynndeavin Von Fox,

Defendant.

IN THE COURT OF GENERAL SESSIONS

Indictment No.(s): 2013-GS-10-01945-6

~~A Warrant No.(s): 2013A1010206~~ *219*

**ORDER FOR COMPETENCY TO STAND  
TRIAL EVALUATION PURSUANT TO  
STATE V. BLAIR**

**EVALUATION BY:  
(Select Only One)**

Department of Mental Health (Mental Illness)

**OR**

Department of Disabilities and Special Needs  
(Intellectual Disability or Related Disability)

This matter is before me for an order requiring defendant Glynndeavin Von Fox, charged with Assaulting a Police Officer While Resisting Arrest and Throwing of Bodily Fluids by Prisoner to submit to an evaluation for competency to stand trial pursuant to State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981) and S.C. Code Ann. § 44-23-410 (1976).

**BASIS FOR ORDER.** I have considered the showing made in support of the motion requesting this evaluation and have reason to believe defendant may lack the competency to understand the criminal proceedings or to assist with the defense as a result of a lack of mental competence.

This order is issued for the following reasons: *The Court wants any potential concerns regarding the Defendant's competency to be resolved and perceives this to be important to protecting his*

**THEREFORE, IT IS ORDERED:** Defendant shall be examined and observed at an appropriate facility by two examiners of the Department of Mental Health if suspected of having a mental illness or by two examiners designated by the Department of Disabilities and Special Needs if suspected of having an intellectual disability or a related disability, to render an opinion whether defendant is competent to stand trial. *Criminal Rights*

**COMPLIANCE DEADLINE/TRANSPORT FOR EVALUATION.** The examining facility shall schedule the ordered examination no later than thirty (30) days from the examining

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JAMES T. HANCOCK

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*219*

agency's receipt of this order. If defendant is currently free on bond or personal recognizance, defendant is responsible for making transportation arrangements to attend the examination. In the event defendant does not appear at the scheduled examination, upon written notice of such failure by the examining agency to the Sheriff of the county in which this case arose, defendant shall be taken into custody by the Sheriff and held until an examination can be scheduled and completed, and thereafter shall be released. Defendant's bond or bail is hereby revoked to the extent necessary to carry out the provisions of this order, and upon completion of the examination and release of defendant, any previous bail or bond issued by the Court shall remain in effect. If defendant is in custody at the time of the scheduled examination, the Sheriff is hereby authorized and required to transport defendant to and from the examination, arriving at the examining facility at the time established by confirmed appointment with the staff of the examining facility. In the event defendant is in custody of a law enforcement agency other than a Sheriff's department, nothing herein prevents such agency from carrying out the provisions of this order.

**TRANSFER TO ALTERNATE AGENCY.** If the initial examination is performed by the Department of Mental Health, and examiners find indications of an intellectual disability or a related disability but not mental illness, the Department of Mental Health shall not render an opinion on mental competency, but shall inform the Court, prosecutor, and defense counsel that defendant is "not mentally ill" and shall provide a copy of such notification and a copy of this order to the Department of Disabilities and Special Needs. Likewise, if the initial examination is performed by the Department of Disabilities and Special Needs, and examiners find indications of mental illness but not an intellectual disability or a related disability, the Department of Disabilities and Special Needs shall not render an opinion on mental competency, but shall inform the Court, prosecutor, and defense counsel that defendant does "not have an intellectual disability or a related disability" and shall provide a copy of such notification and this order to the Department of Mental Health.

In either case, the examining agency shall make copies of any records gathered or created in connection with its examination available to examiners designated by the alternate agency, and the alternate agency shall thereafter designate examiners to evaluate defendant as to competency to stand trial within thirty (30) days of receipt of the notification from the initial examining agency.

**FINDING OF DUAL DIAGNOSIS.** If examiners of either the Department of Mental Health or the Department of Disabilities and Special Needs find an indication of a dual diagnosis of



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JULIE ARMSTRONG  
CLERK OF COURT  
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mental illness and an intellectual disability or a related disability, no opinion on defendant's mental competency shall be rendered, and the dual diagnosis must be reported to the Court, prosecutor, and defense counsel. The examining agency shall also provide notification of the finding and a copy of this order to the other agency. Thereafter, the Department of Mental Health and the Department of Disabilities and Special Needs shall arrange for an examiner from each agency to further evaluate defendant to render a final report on defendant's mental competency. Both agencies are authorized and required to make copies of all relevant records within their possession or control available to examiners for purposes of completing the dual evaluation.

**AUTHORIZATION FOR INPATIENT EVALUATION.** In the event examiners from either agency determine defendant requires an inpatient examination, upon written notice to this Court from the director of the examining agency or his designee, defendant shall be committed to an appropriate facility of the requesting agency for no more than fifteen (15) days for examination and observation related to defendant's mental competency to stand trial.

**REQUEST FOR EXTENSION.** Before the expiration of the examination period or the examination and observation period, the Department of Mental Health or the Department of Disabilities and Special Needs, as appropriate, may apply to a judge designated by the Chief Justice of the South Carolina Supreme Court for an extension of time up to fifteen (15) days to complete the examination or the examination and observation.

**DETENTION BEYOND EVALUATION PERIOD.** If, in the judgment of the designated examiners, defendant is in need of immediate hospitalization or inpatient treatment, upon written request to this Court from the director of the examining facility or his designee, defendant may be detained by the requesting agency in a suitable facility for so long as deemed clinically necessary or until a hearing required and provided by S.C. Code Ann. § 44-23-430 (1976) may be conducted by this Court. An additional Court order **shall** be necessary for ongoing pre-trial inpatient detention of defendant as discussed in this paragraph.

**ISSUANCE AND ADMISSIBILITY OF WRITTEN REPORT.** Within ten (10) days of all examinations or the conclusion of the observation period, a written report shall be made to the Court pursuant to S.C. Code Ann. § 44-23-420 (1976). A copy of the report shall also be forwarded to the prosecutor and defense counsel. This evaluation report shall be admissible as evidence in subsequent hearings pursuant to S.C. Code Ann. § 44-23-420(c) (1976); thus, the report is a statutory

*3/16*  
*[Signature]*

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CLERK OF COURT  
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exception to the rule against hearsay and shall be admissible without need for foundational testimony. However, the report shall be inadmissible in any other proceedings except as expressly permitted by South Carolina law.

**OWNERSHIP AND DISCOVERABILITY OF EXAMINING AGENCY FILES.** The examining agency is an independent entity, conducting this evaluation pursuant to Court order, and is not aligned with any party before the Court. To promote full disclosure and to assure the cooperation of defendant during the evaluation process, ownership of the examining agency's files shall be vested with the examining agency, including clinician's notes, staff reports, evaluation documents, memoranda, test results, etc. Neither these files nor any of their contents shall be provided to any party except upon presentation of a Court order authorizing such or a release authorization signed by defendant. In the event the examining agency's evaluation opinion is contested, an examiner may be appropriately and fully questioned as to the basis for the examiner's opinion at any hearing pursuant to S.C. Code Ann. § 44-23-430 (1976). However, examiners and agency staff may not be compelled to testify regarding statements made during the competency examination for any purpose other than to establish competency. Also, statements made during the examination may not be used to impeach defendant at trial. Hudgins v. Moore, 337 S.C. 333, 524 S.E.2d 105 (1999).

**MEDICAL PROVIDERS/SCHOOLS MUST RELEASE NECESSARY RECORDS.** State agency examiners conducting the evaluation may need clinical and school records concerning defendant to assist in forming an opinion. It is therefore ordered, upon presentation by the examining agency of this order with a written request for specific records attached thereto, that any physician or clinician, licensed health care facility, licensed health care provider, or any school district is hereby authorized and required to furnish copies of all records concerning defendant to the Department of Mental Health or the Department of Disabilities and Special Needs, or both.

**COUNSEL REQUIRED TO FURNISH NECESSARY RECORDS.** Upon written request from the examining agency, counsel for the prosecution and defense shall furnish to the agency such records and information in counsel's possession as the agency requests, including but not limited to copies of law enforcement reports, investigations, witness statements, statements by defendant (both written and electronic), defendant's medical records, and prior psychiatric or psychological evaluations of defendant. Nothing herein shall be construed to require counsel to divulge any information, documents, notes, or memoranda that are protected by attorney-client

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CLERK OF COURT  
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*Handwritten signature*

privilege or work-product doctrine.

**DUTIES OF DEFENSE COUNSEL.** Unless the prosecution is the party moving for this evaluation, defense counsel has the responsibility to file, serve, and transmit this order as outlined in the final paragraph below. Defense counsel does not have the right to attend any clinical interview scheduled pursuant to this Order, nor does defendant have a constitutional right to compel counsel's attendance. State v. Hardy, 283 S.C. 590, 325 S.E.2d 320 (1985). The Court recognizes, however, that circumstances may arise through which the examining agency may request counsel's attendance to facilitate the examination. In the event that such a determination is made, the examining agency may request counsel's attendance in writing, and counsel's level of participation shall be prescribed by the examining agency's written evaluation protocol. In this event, because of the substantial number of individuals awaiting examination, such interviews cannot be rescheduled, postponed, or canceled to accommodate counsel except upon presentation to the examining agency of a written statement from a circuit court judge that counsel's attendance is required in Court at the time the examination is scheduled. Whether or not defense counsel is requested to attend the clinical interview, defense counsel must meet with defendant prior to the interview to discuss this Court order, the evaluation process, the clinical interview, defendant's rights with regard to the clinical interview, and penalties associated with non-appearance and non-cooperation. Failure to comply with these requirements may result in sanctions for defense counsel. Defendant's refusal to participate at the interview because of the absence of counsel will be deemed non-cooperation. Failure of defendant to cooperate or participate in the interview may result in cancellation of the interview, examiners being unable to offer an opinion on competency to stand trial, and the case being called for trial without completion of the evaluation.

**FILING, SERVICE, AND TRANSMITTAL OF ORDER.** It is the responsibility of counsel for the party requesting the evaluation to file and serve this order as outlined herein. In the event the evaluation has been requested by consent, or the moving party cannot be determined, defense counsel shall be responsible. After being signed by the Court, the original order without attachments shall be immediately filed with the Clerk of Court and a certified copy served upon the opposing party. Further, within five (5) business days, a certified copy of this order, together with the attachments listed at the end of this order, must be served upon the examining agency at the address listed below. To expedite commencement of the evaluation process and scheduling of the

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JULIA A. SOTO

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5/1/16  
[Signature]

clinical interview, counsel is instructed to immediately contact the examining agency to advise of the issuance of this order and forthcoming service upon the agency:

**Evaluation Order Service Information**

Department of Mental Health

Forensic Evaluation Service Paralegal  
S. C. Department of Mental Health  
CBHS Forensic Center  
7901 Farrow Road  
Columbia, S.C. 29203-3220  
(803) 935-5540 (Phone)  
(803) 935-5544 (Fax)  
Email: FES-PARALEGAL@SCDMH.ORG

Department of Disabilities and Special Needs

Office of Clinical Services  
Department of Disabilities and Special Needs  
Post Office Box 4706  
Columbia, S.C. 29240  
(803) 898-9694 (Phone)  
(803) 898-9660 (Fax)  
Email: OBSForensics@ddsn.sc.gov

**AND IT IS SO ORDERED.**

[Signature]  
Presiding Circuit Judge

D. L. Jefferson  
Printed Name of Presiding Circuit Judge

Charleston, South Carolina

Dated: April 28, 2016

Prosecutor  
101 Meeting St., 4<sup>th</sup> Floor  
Address  
Charleston, SC 29401  
City, State, Zip  
843-958-1900  
Telephone  
patrickc@scsolicitor9.org  
Email

PRO SE  
Defense Counsel  
Address  
City, State, Zip  
Telephone  
Email

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JULIE J. ARMSTRONG  
CLERK OF COURT

ok The Defendant consents to the evaluation being performed by Dr. L. Randolph Waid, 1459 Stuart Engals Blvd, Suite 204A, Mt. Pleasant, SC 29464, 843 881. 2778.

[Signature]

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
STATE OF SOUTH CAROLINA )  
vs. )  
GLYNNDEAVIN VON FOX, )  
Defendant )

IN THE COURT OF GENERAL SESSIONS  
NINTH JUDICIAL CIRCUIT

Warrant No.: 2013A1010200095-96

Indictment No.: 2013-GS-10-01945-46

Charges: Assaulting Police While Resisting Arrest;  
Throwing Bodily Fluids

**STATE'S MOTION FOR  
COMPETENCY TO STAND TRIAL  
EVALUATION PURSUANT TO  
STATE V. BLAIR**

The State of South Carolina, represented by Assistant Solicitor Charles W. Patrick, moves this Court for an Order requiring the Defendant Glynndeavin Von Fox, charged with Assaulting Police While Resisting Arrest and Throwing Bodily Fluids, to submit to an evaluation for competency to stand trial pursuant to State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981) and S.C. Code Ann. § 44-23-410 (1976).

The State's basis for this Motion lies in the Defendant's documented diagnosis for paranoid schizophrenia, indicated through documents the Defendant filed with the Charleston County Clerk of Court on April 8, 2015. The Defendant's 115 page filing contained several documents indicating the Defendant has mental health issues that may complicate his ability to stand trial and represent himself *pro se*. Based on these documents, the State believes it is ethically obligated to formally raise the competency issue with the Court.

One such document is an Appointment Summary from the Medical University of South Carolina, dated March 11, 2014.<sup>1</sup> The appointment summary notes that the Defendant was

<sup>1</sup> Defendant's April 8, 2016 Motion, pgs. 99-101, attached hereto as Exhibit A.

diagnosed with Schizophrenia, Paranoid Type and that the Defendant is prescribed several drugs for the treatment of this illness. - A5

Another document was an email from Dr. Susan C. Knight, Ph.D., to Mr. Fox's prior counsel, Cameron Blazer, dated January 21, 2014.<sup>2</sup> In the email, Dr. Knight outlines a meeting with the Defendant where she reports his behavior as "delusional and paranoid" and that "competency is an issue." She states that the Defendant believed he was sent to Japan on behalf of Jim Clyburn for eel production, and that he reported being tortured by the Japanese - A6 government. Dr. Knight states this was just a snapshot of what she obtained in her interviews. She concludes that he "would certainly meet GBMI" indicating that a Court would find the Defendant Guilty but Mentally Ill were he to be convicted of this offense. - A7

The State believes these documents alone show the necessity to compel a competency evaluation of the Defendant before he can proceed *pro se*. Therefore, the State respectfully requests an Order which would require the Defendant Glynndeavin Von Fox to submit to an evaluation for competency to stand trial pursuant to State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981) and S.C. Code Ann. § 44-23-410 (1976). Due to the sensitive nature of this motion, the State respectfully requests a hearing, and that this motion be heard prior to and separate from the status conferences for the trial term of May, 16, 2016.

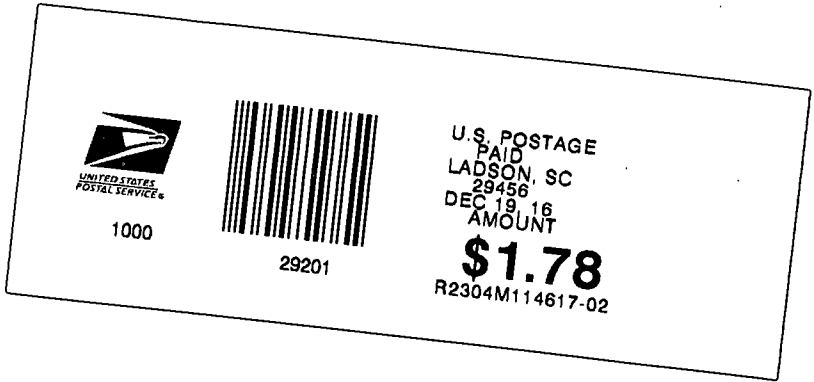
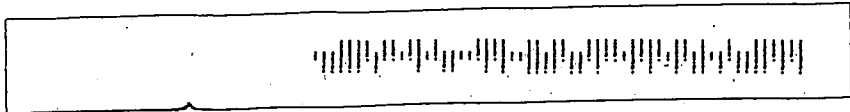
Respectfully submitted,



Charles W. Patrick  
Ninth Circuit Assistant Solicitor  
Charleston, South Carolina

<sup>2</sup> Defendant's April 8, 2016 Motion, pgs. 71-72, attached hereto as Exhibit B.

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BY



Casa No. 2014-001679  
S.C. Supreme Court (SCOSC)  
1231 Gervais St.  
Columbia, SC 29201

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S.C. SUPREME COURT

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